

Plan for emergencies related to oil and hazardous substances discharges.

b. Implement a compliance orientation training program to prepare compliance personnel for referral inspections.

c. Develop and implement a referral inspection program.

d. Evaluate feasibility of cross-over inspections.

e. Develop and implement a joint inspection program.

f. Plan and implement industry seminars on compliance issues.

g. Develop a computerized inventory of facilities and equipment in agency laboratories.

h. Develop handling procedures to facilitate referral of samples to other agency laboratories.

i. Develop a MOU addressing procedures for instituting, where appropriate, cooperative civil or criminal enforcement actions.

Surrogate Liaison: James Pierce (OSHA) and Claire Mattasoni (EPA)

FOI Officers

Ensure, in cooperation with the IRLG surrogates, accurate responses from the IRLG agencies on FOI requests.

Surrogate Liaison: Ray Murtishaw (FSQS)

Personnel Officers

Specific Projects:

a. Resolve personnel and union problems involved in inspection referrals and exchange of personnel among IRLG agencies.

b. Develop ways to exchange, on a timely basis, job announcements for professional positions in the IRLG agencies.

c. Coordinate the referral of highly qualified professional job applicants to other IRLG agencies for consideration.

d. Follow-up on the establishment of position standards for toxicologists.

Surrogate Liaison: Ray Murtishaw, FSQS

Other Activities

The following staff groups are encouraged to develop closer working arrangements among the IRLG agencies and to recommend areas of opportunity for increased interagency cooperation in their areas of responsibility:

Administrative Officers

Planning and Evaluation Officers

Environmental Assessment Officers

Correspondence Referral

Contract Officers

Good Laboratory Practices

For further information on activities of the IRLG, contact Ms. Susan Guenette, Executive Assistant, IRLG, Room 509,

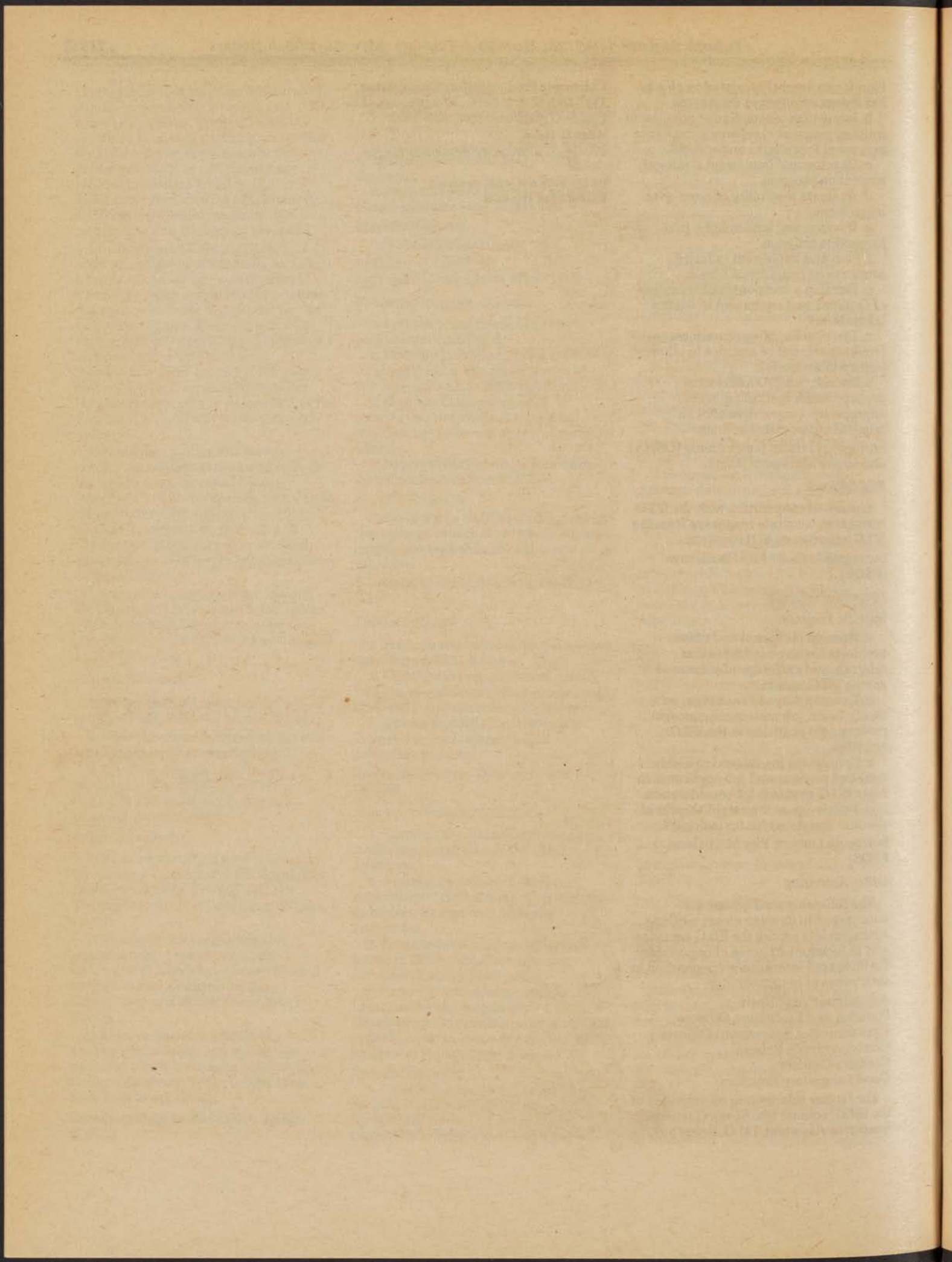
Consumer Product Safety Commission,
1111 18th Street, N.W., Washington, D.C.
20207—Telephone: (202) 634-4350.

Allan H. Heim,

Chairman, Interagency Regulatory Liaison Group.

[FR Doc. 79-15832 Filed 5-21-79; 8:45 am]

BILLING CODE 4110-03-M



Tuesday
May 22, 1979

Forest Paper

Part III

Environmental Protection Agency

**Kraft Pulp Mills: Sulphur Emissions Final
Guideline Document; Notice of
Availability**

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1084-8]

Kraft Pulp Mills; Final Guideline Document; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Final Guideline Document.

SUMMARY: This action announces the availability of a final guideline document for the control of total reduced sulfur (TRS) emissions from existing kraft pulp mills. Standards of performance have been issued for TRS emissions, a designated pollutant, from new, modified, and reconstructed kraft pulp mills. The Clean Air Act requires States to control emissions of designated pollutants from existing sources, and this notice initiates the States' actions and provides them with guidelines for developing emission standards.

DATES: State plans providing for the control of TRS emissions from existing mills are due for submission to the Administrator on or before February 22, 1980. The Administrator has 4 months from the date required for submission of the plans, or until June 23, 1980, to take action to approve or disapprove the plan or portions of it.

ADDRESSES: The final guideline document (specify "Kraft Pulp—Control of TRS Emissions from Existing Mills," EPA-450/2-78-003b) may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711.

Copies of all comment letters received from interested persons participating in this rulemaking are available for public inspection and copying during normal business hours at EPA's Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, S.W., Washington, D.C. A summary of the comments and EPA's responses may be obtained at the same address.

FOR FURTHER INFORMATION CONTACT: Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone: 919-541-5271.

SUPPLEMENTARY INFORMATION: On February 23, 1978 (43 FR 7597), EPA announced the availability of a draft guideline document for the control of TRS emissions from existing kraft pulp mills, and invited public comment on the contents of the document. A discussion

of the background and the comments received follows:

Section 111(d) of the Clean Air Act requires that "designated" pollutants controlled under standards of performance for new stationary sources [section 111(b)] also be controlled at existing facilities in the same source category. New source performance standards for sources of TRS emissions from kraft pulp mills were promulgated February 23, 1978 (43 FR 7568). TRS is considered a designated pollutant and therefore must also be controlled under section 111(d).

Background

On November 17, 1975 (40 FR 53340), EPA promulgated a new Subpart B to 40 CFR Part 60 establishing procedures and requirements for submittal of State plans for control of designated pollutants from designated facilities under section 111(d). A summary of Subpart B and a discussion of the basic concepts underlying it appear in the preamble published in connection with its promulgation. In brief, Subpart B provides that after a standard of performance applicable to emissions of a designated pollutant from new sources is promulgated, the Administrator will publish a draft guideline document containing information pertinent to the control of the same pollutant from designated (i.e., existing) facilities. He will also publish a notice of availability of the draft guideline document, and invite comments on its contents. After publication of a final guideline document for the pollutant in question, the States will have nine months to develop and submit plans for control of that pollutant from designated facilities. Within four months after the date for submission of plans, the Administrator will approve or disapprove each plan (or portion thereof). If a State does not submit an approvable plan or revision to a disapproved plan, the Administrator will promulgate a plan (or portion thereof) within six months after the date required for submission of the plan or plan revision. These and related provisions of Subpart B are basically patterned after section 110 of the Act and 40 CFR Part 51 (concerning adoption and submittal of State implementation plans under section 110).

Comments and Responses

Sixteen comment letters were received in response to the notice of availability of the draft guideline document: eleven from industry, three from State agencies, and two from other governmental agencies. As a result of these comments, certain changes have

been made and clarifications added to the document. These revisions and the more significant issues raised by the commenters are discussed below:

1. Modifications to the guideline document. The only significant change made to the draft guideline document is the adoption of a twelve-hour averaging period instead of the four-hour averaging period previously used to establish the emission limits. EPA test runs performed when gathering information were four-hour runs and, initially, the proposed new source performance standards for kraft pulp mills were also set on a four-hour averaging basis. However, the performance test required under 40 CFR 60.8 to determine compliance by new facilities consists of an average of three consecutive runs (i.e., averaging emissions over twelve consecutive hours). Therefore it appeared reasonable to require a twelve-hour averaging period in the promulgated new source performance standards, and for the same reason the averaging period in the guideline document has been revised and the corresponding excess emission allowances have been recalculated.

The main clarifications concern the concept of excess emissions and the basis for the distinction between straight recovery furnace systems designed for low TRS emissions and other straight recovery furnace systems. A clear distinction is made between excess emissions due to start-ups, shutdowns, and malfunctions, and other excess emissions which are unavoidable or beyond the control of an owner or operator and cannot be attributed to improper operation and maintenance, and which could be taken into account by adding an excess emissions allowance to the TRS emission levels. It is also reaffirmed that the definition of "new-design recovery furnace" rests upon engineering design features and contractual guarantees and that no specific cut-off date should be used to distinguish between "old-design recovery furnaces" and "new-design recovery furnaces."

2. Significant issues.

(a) Welfare-Related Pollutant. In announcing the availability of the draft guideline document, the Administrator also announced his determination that atmospheric TRS emissions from kraft pulp mills are welfare-related. One commenter presented information (a NIOSH report on occupational exposure to hydrogen sulfide) which, he felt, might warrant reconsideration of that determination. This information was included in a reevaluation of the effects

of TRS by EPA's Health Effects Research Laboratory (HERL). EPA, in this reevaluation, has concluded that TRS is welfare rather than health-related because even the highest concentrations predicted to occur in the vicinity of a kraft pulp mill are well below the minimum level at which the first health effect (eye irritation) appears.

(b) Emission Guidelines. Seven commenters stated that they consider the emission guidelines too stringent for the recovery furnace systems (three commenters), the lime kilns (six commenters) or the smelt dissolving tank (two commenters); their concern was either that it would not be feasible to control TRS emissions to the level recommended by the guidelines, or that the costs associated with retrofitting the necessary control equipment would outweigh the benefits derived from the reduction in TRS emissions.

The emission guidelines recommended in the document reflect the Administrator's judgment on the degree of control attainable with the best system of emission reduction (considering the cost of installing such systems in existing facilities) that has been adequately demonstrated for existing kraft pulp mills. EPA evaluated the costs for existing facilities to comply with the guidelines and determined that those costs were reasonable. The commenters did not provide any data or information which would support changing those determinations.

Two commenters suggested that EPA recommend a control technology instead of an emission level to limit TRS emissions from smelt-dissolving tanks. The recommendation of a specific control technology, however, would preclude use of alternative technologies. The present approach is more flexible since it provides a recommended emission level and describes the control systems which meet this level, but leaves open the choice of how the standard is met. Therefore, the present approach will be attained.

Four commenters disputed the time periods given in the document for retrofitting existing facilities. The document cited approximate times, based on actual retrofit experience. Since the commenters did not provide any information showing that these values were not representative, the time periods have not been revised.

(c) Implementation of the guidelines. Three commenters suggested that the guidelines allow States to develop TRS limitations for the total mill, or for a group of facilities, instead of limitations for each facility. This comment raises

many of the same issues addressed in EPA's proposed policy statement on the use of alternative emission reduction options (bubble concept) under the State Implementation Plans (44 FR 3740, January 18, 1979). It would be premature to resolve these issues under section 111(d) before the final policy on the bubble concept is published. Therefore, the guideline document for kraft pulp mills is written in terms of standards of performance for each designated facility. EPA's final policy statement on the bubble concept will address the use of this concept under section 111(d).

EMISSION GUIDELINES: The emission guidelines and compliance times contained in the final guideline document reflect the Administrator's judgment on the degree of control attainable with application of the best system of continuous emission reduction (considering the cost, nonair quality health, environmental impacts, and energy requirements of such reduction) that has been adequately demonstrated for existing facilities at kraft pulp mills, including the time within which these systems can be purchased and installed. The emission guidelines presented in the final document for control of TRS emissions from existing facilities at kraft pulp mills are 5 parts per million (ppm) of TRS from digester systems, 5 ppm of TRS from multiple-effect evaporator systems, 5 ppm of TRS from straight recovery furnace systems designed for low TRS emissions (the basis for this design is defined in the guideline document), 20 ppm of TRS from all other straight kraft recovery furnace systems, 25 ppm of TRS from cross-recovery furnace systems, 20 ppm of TRS from lime kiln systems, and 5 ppm of TRS from condensate stripper systems. These concentrations are all 12-hour averages. The recommended emission guideline for the smelt dissolving tank is 0.084 gram of TRS per kilogram of black liquor solids (dry weight).

The amount of time necessary to retrofit an existing kraft mill can vary widely depending upon such factors as space limitations, weather conditions, lack of available utilities, delays in equipment delivery, and time required to develop engineering data. Subject to these considerations, the approximate times necessary to retrofit existing facilities are 3-6 years for recovery furnaces; 2 years for digesters, multiple-effect evaporators, smelt-dissolving tanks and condensate strippers; and 2-4 years for lime kilns.

AUTHORITY: This notice of final guidelines is issued under the authority of sections 111, 114, and 301(a) of the

Clean Air Act, as amended [42 U.S.C. 7411, 7414, 7601(a)].

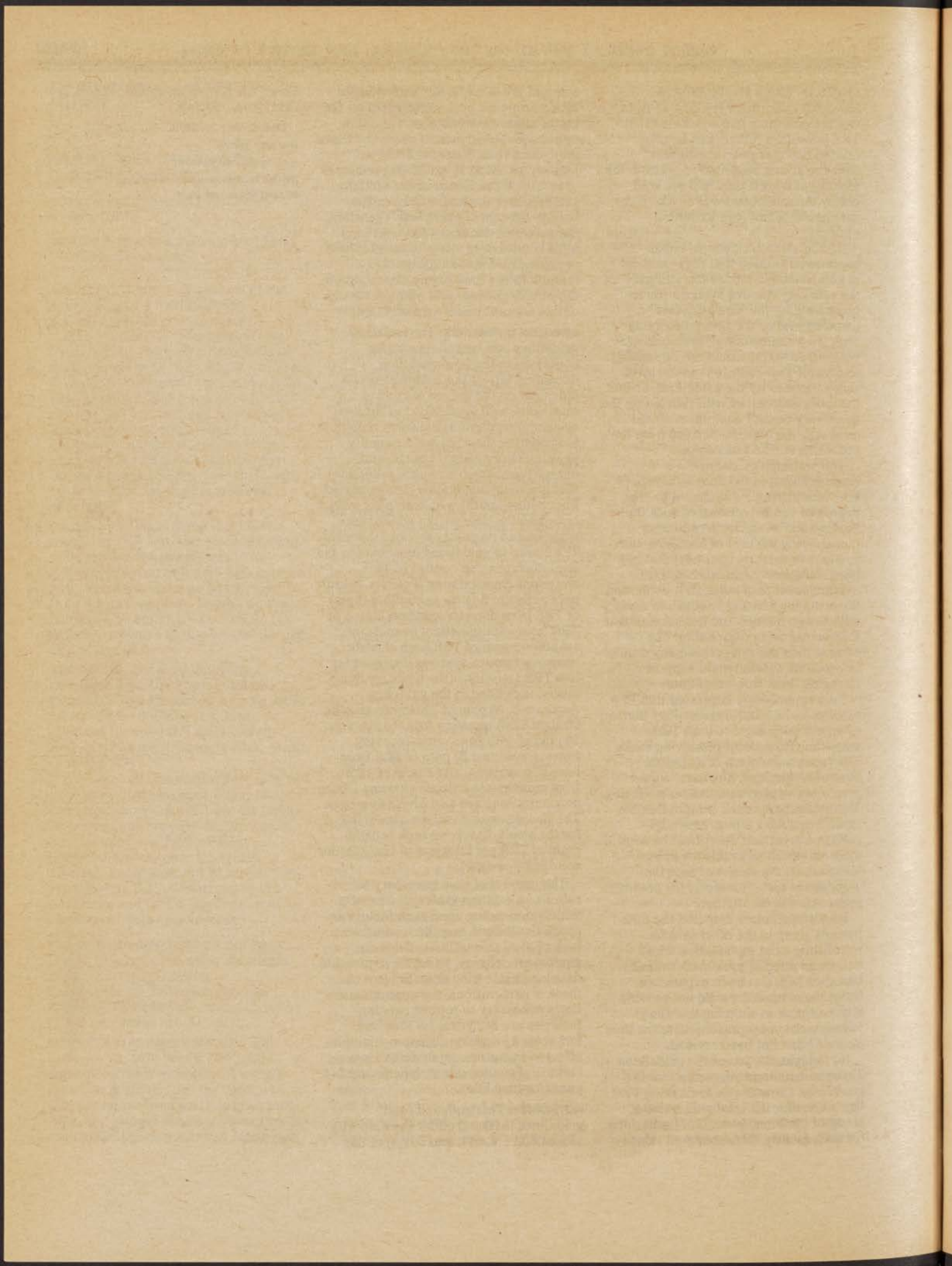
Dated: May 11, 1979.

Barbara Blum,

Acting Administrator.

[FR Doc. 79-15994 Filed 5-21-79; 8:45 am]

BILLING CODE 6560-01-M



Forest Department Federal

Tuesday
May 22, 1979

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Education

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 31a]

Indian Education Policies

May 17, 1979.

AGENCY: Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: The Bureau proposes to add a new Part 31a to Subchapter E, Chapter 1 of Title 25 of the Code of Federal Regulations. It will prescribe policies for the administration of all BIA education programs including the operation of the BIA school system. The need for these policies was created by enactment of Pub. L. 95-561 The Education Amendments of 1978, by our desire to meet the demands placed upon the Bureau by the Indian community, and to adjust and respond to changing needs. Existing policies are no longer adequate or appropriate and need to be updated.

DATES: Comments must be received on or before June 21, 1979.

ADDRESSES: Written comments may be submitted by mail or hand carried to Rick Lavis, Deputy Assistant Secretary—Indian Affairs, Department of the Interior, 18th and C Streets, Room 6352, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Rick Lavis, Deputy Assistant Secretary—Indian Affairs, Department of the Interior, Room 6352, Washington, D.C. 20240, or (202) 343-7163.

SUPPLEMENTARY INFORMATION: The established policies governing Indian education have not been revised in recent years to meet the changing needs of Indian students nor to reflect the national policy of Indian tribal self-determination. In fact, in many areas, no official policies exist.

Title XI of Pub. L. 95-561, The Education Amendments of 1978 and sections 2 and 3 of Pub. L. 93-638, The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450a) reiterate the policies of Indian control of Indian education and sections 1130 and 1133 of Pub. L. 95-561 call for the development and publication of policies affecting the education programs administered by the Bureau of Indian Affairs. For these reasons, and to provide the flexibility coincident with tribal wishes, special policies to apply to all Bureau education programs are deemed desirable and necessary.

The primary authors of these regulations included the Task Force (#9)

established to develop new policies headed by Ms. Elizabeth Holmgren, Office of Indian Education Programs, Washington, D.C. 202-343-513 and Patricia Locke, National Tribal Chairman's Association, Boulder, Colorado, 303-447-0701.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. It has been determined that these proposed regulations are not a major Federal action within the scope of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(a)(c).

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM8.

It is proposed to add a new Part 31a to Subchapter E, Chapter 1 of Title 25 of the Code of Federal Regulations to read as follows:

PART 31a—INDIAN EDUCATION POLICIES

Sec.

31a.1 Purpose and scope.

31a.2 Definitions.

31a.3 Mission statement.

31a.4 Policies.

31a.5 Evaluation of implementation of Pub. L. 95-561.

Authority: Sec. 1130 and 1133 of Title XI of the Education Amendments of 1978 (92 Stat. 2143, 2321 and 2325, Pub. L. 95-561; 25 U.S.C. 2010 and 2013).

§ 31.1 Purpose and scope.

The purpose of this Part is to state the policies to be followed by all schools and education programs under the jurisdiction of the Bureau of Indian Affairs. Contract schools operated by Indian tribes or Alaska Native entities may develop their independent policies or may adhere to these, if they so choose. The adherence to the appropriate policies shall reflect the best interests of the student, the Federal government, the tribes and Alaska Native entities, and shall be based on educationally sound judgment.

§ 31a.2 Definitions.

As used in this Part, the term: (a) "Agency school board" means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Director in consultation with the affected tribes or Alaska Native entities except that, in agencies serving a single school, the school board of such school shall fulfill these duties.

(b) "Alaska Native" means an Indian, Eskimo, or Aleut who is a member of an Alaska Native entity.

(c) "Alaska Native entity" means any Alaska Native village or regional or village corporation as designed in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.).

(d) "Alaska Native village" means any Native village as defined in section 3 (c) of the Alaska Native Claims Settlement Act (85 Stat. 689; 43 U.S.C. 1602 (c)).

(e) "Boarding school" hereinafter referred to as residential school means a Bureau school offering residential care and support services as well as an academic program.

(f) "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(g) "Contract school" means a school (other than a public school) which is aided by a financial assistance contract with the Bureau.

(h) "Day School" means a Bureau school offering an academic program and certain support services such as counseling, food, transportation, etc., but excluding residential care.

(i) "Director" means the Director, Office of Indian Education Programs, Bureau of Indian Affairs.

(j) "Indian" means a member of an Indian tribe.

(k) "Indian tribe" or "tribe" means any Indian tribe, band, nation, rancheria, pueblo, colony, or community which is recognized as eligible for the special programs and services provided by the Federal Government through the Bureau of Indians because of their status as Indians.

(l) "Local school board" when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe or Alaska Native entity to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes or Alaska Native entities the member shall be appointed by the governing bodies of the tribes and entities affected; and the number of such members shall be determined by the Director in consultation with the affected tribes and entities.

(m) "Post-secondary" education means any education program beyond the secondary level.

§ 31a.3 Mission statement.

Recognizing the special rights of Indian tribes and Alaska Native entities and the unique government-to-government relationship of Indian tribes

and Alaska Native villages with the Federal Government as affirmed by the United States Constitution, United States Supreme Court decisions, treaties, Federal statute, and Executive Orders, and as set out in the congressional declaration in sections 2 and 3 of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 88 Stat. 2203; 25 U.S.C. 450 and 450A) it is the responsibility and goal of the Federal Government to provide comprehensive education programs and services for Indians and Alaska Natives. As acknowledged in section 5 of the Indian Child Welfare Act of 1978 (Pub. L. 95-608; 92 Stat. 3069; 25 U.S.C. 1901), in the Federal Government's protection and preservation of Indian tribes and Alaska Native villages and their resources, there is no resource more vital to such tribes and villages than their young people and the Federal Government has a direct interest, as trustee, in protecting Indian and Alaska Native children, including their education. The mission of the Bureau of Indian Affairs, Office of Indian Education Programs is to provide quality education opportunities from early childhood through life in accordance with the tribes' needs for cultural and economic well-being in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. The Bureau shall manifest consideration of the whole person, taking into account the spiritual, mental, physical and cultural aspects of the person within family and tribal or Alaska Native village contexts.

§ 31a.4 Policies.

In carrying out its Education mission, the Assistant Secretary for Indian Affairs through the Director shall:

- (a) *Policy Making.* (1) Assume that no new policy shall be established nor any existing policy changes or modified without consultation with affected tribes and Alaska Native Government entities.
- (2) Be guided in policy formulation and funding priorities, including the proposing and awarding of contracts and grants, by periodic and systematic consultation with governing bodies of tribes and Alaska Native entities.
- (3) Ensure that Indian tribes and Alaska Native entities fully exercise self-determination and control in planning, priority-setting, development, management, operation, staffing and evaluation in all aspects of the education process.
- (4) Ensure that each agency or local school board shall be authorized and empowered to function as the policy

making body for the school, consistent with the authority granted by the tribes or Alaska Native entity(ies) served by the school(s).

(b) *Student Rights.* Ensure the constitutional, statutory, civil and human rights of all Indian and Alaska Native students, and respect the role of tribal judicial systems where appropriate including for example, ensuring that students have the right to be free from cruel and unusual punishment and that all disciplinary procedures shall be consistent with appropriate customs and practices of the appropriate Indian tribe or Alaska Native village.

(c) *Equity Funding.* Assure that resources for all education programs are equitably distributed for the benefit of all Indian and Alaska Native students, taking into account special educational needs where they exist, as further described in Part 31h of this Subchapter.

(d) *Direction of Programs.* Ensure that the education function be structured in such a manner that all matters relating to the operation of education programs be administered by or be under the direction of education personnel.

(e) *Respect for Family.* Promote, respect and defend the cohesiveness and integrity of the family, and tribal and Alaska Native community, as they relate to the educational and social prerogatives of the tribes and Alaska Native entities.

(f) *Religious Freedom.* Promote and respect the right to cultural practices and religious freedom for all students, consistent with the provisions of the American Indian Religious Freedom Act (92 Stat. 469; Pub. L. 95-341; 42 U.S.C. 1996).

(g) *Tribal Rights Regarding Governing Bodies and Planning.* (1) Develop with the consent and consultation of tribes and Alaska Native entities a plan to include their direct involvement in short and long-range planning of Bureau operated post-secondary schools through the formation of policy making governing boards.

(2) Encourage and defend the right of the tribes and Alaska Native entities to govern their own internal affairs in all matters relating to education, and their right to determine the equitable and appropriate composition of governing boards at Bureau off-reservation and post-secondary schools.

(h) *Multilingual Education.* Provide for a comprehensive multicultural and multilingual educational program including the production and use of instructional materials, culturally appropriate methodologies and teaching and learning strategies that will

reinforce, preserve and maintain Indian and Alaska Native languages, cultures, and histories which tribes and Alaska Native entities may use at their discretion.

(i) *Choice of School.* Afford Indian and Alaska Native students the opportunity to attend local day schools and other schools of choice and the option to attend boarding schools when the students, parents, and tribe or Alaska Native village determine it is in the students' best interest except that, residential schools shall not be used as substitutes for providing adequate social services to Indian and Alaska Native families.

(j) *Tribal Education Plans.* Assist tribes and Alaska Native entities at their request in the development of departments of education, education codes, and comprehensive education plans.

(k) *Advocacy and Coordination.* (1) Serve as an advocate for Indian tribes and Alaska Native entities in education matters before the Federal, state and local governments.

(2) Assume an assertive role in coordinating comprehensive support for Indian and Alaska Native students internally and from other agencies in education, mental and physical health, juvenile justice, job training, including apprenticeship programs and other related Federal, state and local programs and services.

(3) Serve as an advocate and carry out responsibilities for Indian and Alaska Native students in public and other non-Bureau operated schools consistent with the wishes of the appropriate Indian tribes and Alaska Native entities.

(1) *Student Assessment.* Establish and maintain a program of research and development to provide accurate and culturally specific assessment instruments to measure student performance in cooperation with, and at the option of, tribes and Alaska Natives.

(m) *Recruitment of Indians.* Adopt procedures to insure that qualified Indian and Alaska Native educators are recruited for positions appropriate to their cultural background and qualifications.

(n) *Priorities in Contracts and Grants.* Provide financial support through contracts, grants or other funding mechanisms with first priority given to the tribes and Alaska Native entities, tribal organizations, tribally controlled community colleges, and Indian or Alaska Native professional or technical assistance organizations which have the sanction of the benefitting tribes and Alaska Native entities.

(o) *Community School Concept.* Promote the community school concept by encouraging year around multi-use of educational facilities, equipment and services for tribal, Alaska Native village, and community development.

(p) *Education Close to Home.* Provide day and residential educational services as close to an Indian or Alaska Native student's home as possible, except when a student elects to attend a school elsewhere for specialized curricular offerings or services.

(q) *Tribal Notification and Involvement and Programs Flexibility.*

(1) Notify Indian tribes and Alaska Native entities of proposed, pending or final Federal legislation, appropriations, Solicitor's and Attorney General's opinions, and court decisions affecting Indian and Alaska Native education for the purposes of information and consultation providing them ready access at the local level to all evaluations, data, records, reports, and other relevant information.

(2) Implement rules, regulations, procedures, practices, and standards to insure flexibility in the exercise of local tribal or Alaska Native village options, and provide for input in periodic reviews, evaluations, and revisions to meet changing needs and circumstances.

(r) *Career and Higher Education.* (1) Ensure to the extent possible that all students who choose to pursue career and post-secondary education, including but not limited to, undergraduate and graduate programs, or preparation for skilled trades, receive adequate academic or other preparation, at the schools of their choice, assuring that students are provided adequate support services to enable them to meet their educational goals.

(2) Extend to tribes and Alaska Native entities the prerogative of determining those critical professions and fields of study in post-secondary education which are of the highest priority to meet their economic and cultural goals.

(s) *Planning, Maintenance and Use of Facilities.* (1) Ensure that the needs of the students and tribal or Alaska Native community will receive first priority in the planning, design, construction, operation and maintenance of Bureau schools and residential facilities, which assure a supportive environment for learning, living and recreation.

(2) Maintain all school and residential facilities to meet appropriate tribal, state or Federal safety, health and child care standards. If a conflict exists in these standards, the Federal standard shall be followed; in the absence of a Federal standard, the tribal standard shall be followed. In case of conflict,

any such tribal health or safety standards shall be no greater than any otherwise applicable State standard.

(t) *Alternative, Innovative and Exemplary Programs.* Vigorously encourage alternative, innovative and exemplary programs reflecting tribal or Alaska Native village specific learning styles, including but not limited to, parent-based early childhood education programs, adult and vocational technical education, library and media services, special education including programs for handicapped, gifted, and talented students, summer programs, and career development.

(u) *Training.* Provide support and technical assistance at all levels for the training of duly sanctioned tribal and Alaska Native entity education representatives involved in educational decision making, including pre-service and in-service training for educators.

(v) *Tribally Controlled Community Colleges.* Assist tribes and Alaska Native entities in their planning, designing construction operation and maintenance of tribally controlled community colleges, consistent with all appropriate legislation. (See Part 33 of this Subchapter.)

(w) *Equal Opportunity.* Establish and enforce policies and practices to guarantee equal opportunity and open access to all Indian and Alaska Native students in all matters relating to their education programs.

(x) *Accountability, Evaluation and MIS.* (1) Enforce a strict standard of fiscal and programmatic accountability to the tribes and Alaska Native entities and assist them in the development of their own standards of accountability and carry out annual evaluations of all Bureau-operated or funded education programs.

(2) Provide and make available a computerized management information system which will provide statistical information such as, but not limited to, student enrollment, curriculum, staff, facilities, student assessments and related educational information.

(y) *Accreditation.* Encourage and assist all Bureau and contract schools to attain appropriate State, Regional, Tribal or National accreditation.

(z) *Eligibility for Services.* Serve Indian and Alaska Native students who are recognized by the Secretary of the Interior as eligible for Federal services, because of their status as Indians or Alaska Natives, whose Indian blood quantum is $\frac{1}{4}$ degree or more.

§ 31a.5 Evaluation of implementation of Pub. L. 95-561.

The Director, Office Indian Education Programs will develop guidelines for evaluating all functional and programmatic responsibilities associated with Title XI of the Education Amendments of 1978 (Pub. L. 95-561).

Forrest J. Gerard,

Assistant Secretary—Indian Affairs.

May 17, 1979.

[FR Doc. 79-16008 Filed 5-21-79; 8:45 am]

BILLING CODE 4310-02-M

[25 CFR Part 31b]

Transfer of Indian Education Functions

May 17, 1979.

AGENCY: Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: This rule is being published to (1) inform the public of the proposed changes in line authority for the administration of the education program and functions of the Bureau of Indian Affairs, and (2) describe the procedures to be followed in transferring control over Agency and Area education functions from BIA Agency Superintendents and Area Directors to the Director, Office of Indian Education Programs and his/her subordinates. These changes are required by sections 1126 and 1127 of the Education Amendments of 1978 (Pub. L. 95-561; 25 U.S.C. 2006).

DATES: Comments must be received on or before June 21, 1979.

ADDRESSES: Written comments may be sent or handcarried to: Rick Lavis, Deputy Assistant Secretary—Indian Affairs, Department of the Interior, Room 6352, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Rick Lavis, Deputy Assistant Secretary for Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, (202) 343-7163.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

Prior to the new legislation (Pub. L. 95-561) previous control for the Office of Indian Education Programs, Bureau of Indian Affairs, was from the Commissioner of Indian Affairs to Area Office Directors with further redelegations to Agency Superintendents authorized.